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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/722,748	11/26/2003	Ron Leddusire	3376-17	7288	
7:	590 05/03/2005	EXAMINER			
MARGER JOHNSON & McCOLLOM, P.C.			TSO, LAURA K		
1030 S.W. Morrison Street Portland, OR 97205			ART UNIT	PAPER NUMBER	
			2875		
			DATE MAILED: 05/03/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicantly LEDUUSIRE, RON LEDUUS				
## Examiner laura tso 2875 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. • Extensions of time may be available under the previouse d3 / CFR 1 13(b), in no event, however, may a reply be timely filled. • If the period is reply replicated works the ise late that this (Odd days, a reply within the distinctory minimum of this (Odd days with the previous of the period for reply table considered before, the maximum distatory period will apply and oull work to X(6) MONTHS from the mailing date of this communication, and the period for reply table considered them there members date of this communication, and period for reply table considered them there members date of this communication, and period them distributed that them there members date of this communication, even if timely filled, may reduce environment and patient term adjustment. See 37 CFR 1.704(b). **Status** 1)★ Responsive to communication(s) filled on 4/15/05 (Amendment). 2a) This action is FINAL. 2b)★ This action is FINAL. 2b)★ This action is FINAL. 2b)★ This action is nondition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4)★ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b Claim(s) 1-14 is/are allowed. 5b Claim(s) 1-14 is/are allowed. 6b Claim(s) 1-14 is/are allowed. 6b Claim(s) 1-14 is/are allowed. 6b Claim(s) 1-14 is/are allowed. 6c Cl		Application No.	Applicant(s)	
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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16 and 18 remain rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson (4,414,618).

Jacobson discloses a method of leveling a shade comprising returning the shade to a level position using a natural balancing point of the shade [note the abstract].

Jacobson also teaches attaching the shade [4] to a shade supporting device [3 and 8] using a ring [11] that allows the shade to tilt in all directions relative to the supporting device. The shade supporting device includes the harp.

<u>Claim 20</u> is rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman (2,745,002).

Hoffman discloses a device [figure 4] comprising an attachment device [10, 21] to attach a shade [S] to a shade supporting device [23] and a self-leveling device [24] which will return to shade to a level position.

Response to Amendment

Applicant's remarks received in the correspondence of 4/15/05 have been fully considered but are not found to be persuasive. With respect to claim 15, applicant argues that the prior art reference does not disclose a "shade *that is securely* attached to the shade supporting device". However, in the device of Jacobson, one of the shade's radial arms [12] is engaged in the notch [26] of the shade supporting device [20]. This engagement would amount to a secure attachment.

With respect to claim 20, when the examiner stated, "claim 15 does not exclude the shade to be returned to position by a person manually tilting it back", the examiner hoped to point out a flaw in claim 15, not suggest the limitations of a new claim. Claim 15 contains no recitation of the structure of the shade or the shade supporting device. Thus, any typical lamp having a shade could be used to meet this method claim if 1) the shade was tilted and 2) a person returned the shade to level position by using his hand to tilt the shade back and tried to feel, in his hands, the natural level or balancing position.

Allowable Subject Matter

Claims 1-14 are allowed.

<u>Claims 17 and 19</u> are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to show or suggest a shade leveler comprising a threaded post with a groove on one end and a shade leveling ring having a first raised profile and having a first opening configured to prevent the threaded post from passing completely through the opening.

Prior art fails to show or suggest a shade leveler comprising post and a washer with a flat outer portion and a raised inner portion, wherein the washer is configured to move relative to the post when the shade bracket is attached to the post.

Prior art fails to show or suggest a method of leveling a shade by returning the shade to a level position using a natural balancing point of the shade comprising holding a post loosely against the shade supporting device with the ring wherein the ring is rigidly affixed to the shade supporting device and securing the shade to the post.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385.

The examiner can normally be reached on M, W 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

laura tso

Primary Examiner

Art Unit 2875